

Chris Pugsley

From: John Mays
Sent: Monday, November 03, 2014 3:32 PM
To: Jack Fritz; Chris Pugsley
Subject: FW: U.S. Fish and Wildlife Service, Region 6 additional information request for eagle take permit application for the Dewey-Burdock project

From: Kevin Kritz <kevin_kritz@fws.gov>
Date: Friday, October 10, 2014 at 3:20 PM
To: John Mays <jmays@powertechuranium.com>
Cc: <escheinost@powertech.com>, <linda_downey@fws.gov>
Subject: U.S. Fish and Wildlife Service, Region 6 additional information request for eagle take permit application for the Dewey-Burdock project

Mr. Mays,

We have conducted a thorough review of Powertech's request for a U.S. Fish & Wildlife Service permit for Eagle Take That is Associated with, But Not the Purpose of, an Activity (per 50 CFR § 22.26) in relation to the Dewey Burdock Project, and determined that we are in need of additional information.

To assist us with the permitting process we request you address the information outlined below. Your responses can be submitted via email to Mrs. Linda Downey, Legal Instruments Examiner, Migratory Bird Permit Office at Linda_Downey@fws.gov.

ADDITIONAL INFORMATION NEEDED:

· **BALD EAGLE NESTS BE1a AND BE1b**

Nesting Activity – Although the location for each of these nests is provided in the application, it does not provide information regarding nesting activity at the nests within the last year. Please provide information (outlined below) for last year's nesting season, and if available, provide the same information for the previous 5 nesting seasons.

- a) Whether or not the nests were active;
- b) if any young were observed in the nest and how many; and
- c) if any young fledged successfully from the nest and how many.

· **INFRASTRUCTURE** - Although the maps provided with the application are very detailed, and contain a lot of information, we are unable to determine which project infrastructure (buildings, power lines, etc.) is already present within the project area vs. new infrastructure you intend to build for the project (new construction). It is especially important for us to understand where the new infrastructure will be built in relation to nest BE1a and nest BE1b and the 1/2 mile buffers on each of these two Bald eagle nests.

The application describes how the infrastructure will be constructed in a manner to minimize disturbance to the

nesting Bald eagles. However, without a timetable and a map showing the location of this project infrastructure in relation to the eagle nests, we are unable to determine if the infrastructure will in fact be constructed in the manner you indicate to minimize disturbance to the nesting eagles. To assist us with this determination, please provide the information outlined below:

- a) Provide a timetable, or projected timeline, outlining the major components of the project and when each of these will be constructed.
- b) When Powertech anticipates the new project construction to begin;
- c) when Powertech anticipates the new project construction to end;
- d) provide a timeline for each major component of the project.

· **AVIAN MONITORING AND MITIGATION PLAN (Avian Plan)** – Please provide the status of the Avian Plan.

- a) Has it been completed?
- b) If not, is there still an opportunity for USFWS to provide input?

· **BALD EAGLE WINTER ROOST SITES** – From the USFWS perspective, an observation of a single Bald eagle seen roosting in a single tree would not be the basis to designate a site as a winter roost for Bald eagles. Before it can be determined whether disturbance take of wintering Bald eagles at a roost site would even occur, or the amount of disturbance take, we need to understand the basis used to designate winter roosts for this project.

Listed below are questions related to Bald eagle use of winter roosts in the project area and the requested amount of take for wintering Bald eagles at these roosts.

- a) The map included with the application documents 5 winter Bald eagle roost sites. Per Section E, paragraph 1b of the application, it indicates that up to 3 additional wintering Bald eagles could experience take. Please explain why the application only requests disturbance take for up to 3 wintering Bald eagles when there are 5 documented winter roost sites on the project map?
- b) Define for us the criteria used to designate the 5 mapped winter roosts as Bald eagle winter roosts.
- c) Were these 5 mapped sites designated as Bald eagle winter roosts because:
 - i) There were repeated observations of multiple Bald eagles at these sites over the course of a winter season?
 - ii) Or, was there documented evidence that multiple Bald eagles used these 5 sites over the course of multiple winter seasons?
- d) Also, please provide all relevant data and explanations to assist us in understanding if these mapped sites are in fact winter roosts or not.

· **BALD EAGLE FORAGING/FORAGING HABITAT-** Do you have any data or documentation that the Bald eagles nesting in the project area are using, or are not using, the Black-tailed Prairie dog colony which overlaps the area where new project infrastructure will be constructed (per the map included with the application)? If so, please provide all relevant data or documentation relative to this question. We are trying to understand whether or not Bald eagles nesting in this area are foraging at this specific Prairie dog colony and whether or not there is potential for disturbance to eagle foraging activity.

If you have any questions regarding this request for additional information and would like to discuss them via a phone conversation, please contact Mrs. Downey at (303) 236-8171 to coordinate the date and time.

Linda Downey
Legal Instruments Examiner
Region 6
Migratory Bird Permit Office
(303) 236-8171
(303) 236-8017 (fax)

